

OGC Has Reviewed

OGC 73-1651
31 August 1973

MEMORANDUM FOR: Deputy Director of Personnel

SUBJECT : CIA Reply to Survey of Employ
the Handicapped Program

1. You have asked for our views on the draft reply to the Civil Service Commission request that we complete and forward to the General Accounting Office a questionnaire concerning our Employ the Handicapped practices. You suggested that at least some of the specific draft replies should not be forwarded and I certainly agree.

2. There is a statutory requirement that agencies not discriminate against the physically handicapped (5 U.S.C. 7153). Additionally we depend on the Civil Service Commission a great deal in many areas of activities. Further, I see no reason why this Agency should not do its part for such people. In view of all these factors, I think there is no basis for declining to reply.

3. The information included in the draft answers, in combination with my own understanding of Agency practices in this regard, suggests that essentially we have no program. My suggestion is that we, in effect, confess our sins, give it the best face we can and promise to do better. A narrative reply such as the following seems about the best that we could do:

Dear _____:

This is with reference to the questionnaire forwarded to this Agency by the recent Civil Service Commission transmittal letter. This Agency is in

agreement with and supports the policy of the federal government with regard to employing the handicapped and we are careful to avoid discrimination in this, and all other areas. Our program, however, has not developed to the point that replies to the specific questions included in the questionnaire would be useful. We are pursuing this effort further and will furnish additional information at a later date.

Yours very truly,

4. A copy of the statute (5 U.S.C. 7153) is attached
for your information.

STATINTL



Associate General Counsel

Attachment

OGC:RHL:cav

Orig - Addse

1 - OGC Subj: EQUAL EMPLOYMENT OPPORTUNITY

1 - RHL Signer

1 - Chrono

Note for File: Questionnaire returned to OP w/this memorandum.

§ 7153. Physical handicap

The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of physical handicap in an Executive agency or in the competitive service with respect to a position the duties of which, in the opinion of the Civil Service Commission, can be performed efficiently by an individual with a physical handicap, except that the employment may not endanger the health or safety of the individual or others. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 523.

Historical and Revision Notes

Reviser's Notes

Derivation: United States Code Revised Statutes and Statutes at Large
5 U.S.C. 633(2)(D) June 10, 1948, ch. 434, 62 Stat. 351.

Explanatory Notes.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302. The section is rewritten as a general prohibition instead of specifying the personnel actions included in former section 633(2)(g). The words

"in an Executive agency or in the competitive service" are added for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Cross References

President's power to grant exceptions from provisions of this section, see section 3302 of this title.

ROUTING AND RECORD SHEET

SUBJECT: (Optional) Revision of [REDACTED] EEO Program			
FROM: C/SPD/OP 5 E 47 Hqs		EXTENSION 6693	NO. DATE 10 April 1973
TO: (Officer designation, room number, and building)		DATE RECEIVED FORWARDED	OFFICER'S INITIALS COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. Mr [REDACTED] OGC 7 D 01 Hqs		4/10/73	25X1A Tony, I have discussed your draft of [REDACTED] with [REDACTED] and relayed to him my favorable impression of and agreement with the draft.
2. [Signature] AG			
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C/SPD/OP